

(Draft – Awaiting Formal Approval)

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**

Wednesday, July 17, 2013 – 9:00 a.m. – Room 25 House
Building

Members Present:

Sen. Daniel W. Thatcher, Senate
Chair Rep. R. Curt Webb, House
Chair Sen. Karen Mayne Sen.
Aaron Osmond Rep. Jerry B.
Anderson Rep. Melvin R. Brown
Rep. Spencer J. Cox Rep. Richard
A. Greenwood Rep. Craig Hall
Rep. Kay L. McIlff Rep. Jeremy A.
Peterson
Rep.
Jennifer M.
Seelig Rep.
Earl D.
Tanner

Members Absent:

Sen. Wayne A.
Harper President
Wayne L.
Niederhauser Rep.
Joel K. Briscoe

Staff Present:

Mr. Joseph T. Wade, Policy
Analyst Ms. Victoria Ashby,
Associate General Counsel Ms.
Samantha Coombs, Legislative
Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Thatcher called the meeting to order at 9:30 a.m.

MOTION: Sen. Osmond moved to approve the minutes of the June 19, 2013, meeting. The motion passed unanimously with Sen. Mayne, Rep. Brown, Rep. Greenwood, Rep. McIlff, and Rep. Seelig absent for the vote.

2. Eminent Domain Primer

Mr. Brent Bateman, Office of the Property Rights Ombudsman, distributed and presented "Eminent Domain Law: A Primer Prepared for the Utah Legislature's Political Subdivisions Interim Committee." Mr. Bateman discussed the constitutional rights of property owners, the basic eminent domain process, and the services provided by the Office of the Property Rights Ombudsman.

Sen. Mayne inquired if there should be an increase or decrease in entities having eminent domain authority.

Mr. Bateman responded that eminent domain can only be used for a public purpose and the challenge is identifying *why* eminent domain is being used, not necessarily *who* is using it. He continued that regardless of whether the condemner is a private or public entity, the condemner may only take the property if the entity can prove that it is for a public purpose and the property owner is paid just compensation.

3. Eminent Domain – Licensed Agents

Rep. Perry reported on the findings of a working group composed of parties interested in eminent domain issues. He said that after some review the group determined that it was not necessary for a party initiating a condemnation proceeding to hold a real estate license.

Mr. Bateman explained that the licensure requirements are already in the code, but the problem lies with the enforcement of the existing code.

4. Process for Vacating a Plat

Ms. Ashby reviewed the current statutory requirements for vacating a plat. Ms. Ashby distributed and referred to "Plat Vacate Provisions in Title 17, Chapter 27a, County Land Use, Development, and Management Act." She explained that the code is not clear as to when a person is required to vacate or amend a plat, only what is to be done when vacating or amending a plat.

Rep. Webb reviewed the differences between amending and vacating a plat.

Rep. Froerer distributed and discussed diagrams "Plat 1" and "Plat 2" and provided an example illustrating the issue. Rep. Froerer explained that the statute is clear about *what* you should do when you have decided to vacate or amend a plat, but it is not clear *when* you should choose one option over the other. He encouraged the committee to consider clarifying when vacating a plat is required versus amending a plat.

The committee discussed scenarios when it would be appropriate to amend a plat rather than vacate a plat. Members of the committee also discussed the cost of vacating a plat opposed to amending a plat.

Mr. Ernest Rowley, resident, Weber County, confirmed that there is confusion about when a plat should be amended or vacated.

Mr. James Kaiserman, Surveyor, Wasatch County, said there is frustration with the statute's one-size-fits-all language concerning a plat vacation or amendment. He said confusion arises when there is a special circumstance or exception.

5. Wasatch Choice for 2040 Vision

Mr. Bret Millburn, Davis County Commissioner, Chair, Wasatch Front Regional Council, explained the purpose of the Wasatch Front Regional Council. He distributed and referred to "Wasatch Choice for 2040 Vision: 2011-2040 Regional Transportation Plan."

Mr. Sam Klemm, Wasatch Front Regional Council, further discussed the information provided in the brochure that was distributed to members of the committee. Mr. Klemm explained that the council works to create an overall vision for the region, but that implementation of the plan rests upon each locality.

Sen. Mayne inquired about the council's vision for increasing the number of bus routes into the neighborhoods rather than having bus stops only along major thoroughfares.

Chair Thatcher encouraged members of the committee to review the brochure that was provided by the council.

6. Federal Law Enforcement Modifications

Rep. Noel presented 2013 First Special Session H.B. 1004 "Law Enforcement Modifications," which modifies sections of the Utah Code that were amended by 2013 General Session H.B. 155 "Federal Law Enforcement Amendments." Mr. Mark Ward, Senior Planning Coordinator & Policy Analyst, Utah Association of Counties and Utah's Sheriff's Association, explained that the proposed bill would still allow local sheriffs to conduct cooperative agreements with federal agents.

MOTION: Rep. Greenwood moved that the committee recommend favorably H.B. 1004, "Law Enforcement Modifications" for consideration by the full body of the House. The motion passed unanimously.

7. Other Items/Adjourn

MOTION: Rep. Webb moved to open a committee bill file addressing the issue of filing wrongful documents. The motion passed unanimously.

MOTION: Rep. Greenwood moved to adjourn the meeting. The motion passed unanimously.

Chair Thatcher adjourned the meeting at 11:09 a.m.